

REMARKS

Applicants have amended their claims in order to further clarify the definition of various aspects of the present invention as described in the above-identified application. Specifically, Applicants have amended claim 1 to delete recitation of "excess" hydrogen, and to recite instead hydrogen gas containing more hydrogen than the molar ratio at which the moisture is formed. The remainder of claim 1 has been amended to recite "said" more hydrogen, consistent with the previously discussed amendment to claim 1. See, for example, the paragraph beginning at pages 39 and 40 of Applicants' specification.

The rejection of claims 1-5 under the judicially created doctrine of obviousness-type double patenting, over claims 1-23 of U.S. Patent No. 6,784,116, set forth on page 2 of the Office Action mailed September 10, 2004, is noted. The Examiner has indicated that this rejection can be overcome by the filing of a timely filed Terminal Disclaimer in compliance with 37 CFR 1.132(c).

Submitted concurrently herewith is a Terminal Disclaimer for the above-identified application, with respect to U.S. Patent No. 6,784,116. In view of the filing of this Terminal Disclaimer, it is respectfully submitted that the obviousness-type double patenting rejection is moot.

It is respectfully submitted that the enclosed Terminal Disclaimer is being filed presently in order to facilitate proceedings in connection with the above-identified application, so as to achieve an earliest possible issuance of a U.S. patent thereon. It is respectfully submitted that the filing of this Terminal Disclaimer does not constitute agreement with, or an admission as to the propriety of, the obviousness-

type double patenting rejection; and does not constitute agreement with, or an admission as to the propriety of, arguments made by the Examiner in connection with this obviousness-type double patenting rejection.

Applicants respectfully traverse the rejection of their claims under the second paragraph of 35 U.S.C. 112, as set forth on page 3 of the Office Action mailed September 10, 2004, particularly insofar as this rejection is applicable to the claims as presently amended.

In connection with this rejection under the second paragraph of 35 U.S.C. 112, the Examiner contends that the recitation "excess hydrogen" is indefinite, as it is not clear from the claim language what the phrase "excess" refers to. Applicants have amended their claims to delete the recitation of the word "excess", and to recite instead "hydrogen gas containing more hydrogen than the molar ratio at which the moisture is formed." It is respectfully submitted that the "excess" hydrogen gas is that which is "more" than the molar ratio at which the moisture is formed. That is, the hydrogen gas introduced to synthesize moisture includes an amount which is the molar ratio relative to the oxygen gas, for forming the moisture, and "more" (or "excess") hydrogen. In any event, in view of present amendments to claim 1, it is respectfully submitted that the rejection under the second paragraph of 35 USC 112 is moot.

In view of the foregoing amendments and comments, reconsideration and allowance of all claims presently in the application are respectfully requested.

Please charge any shortage in fees due in connection with the filing of

this paper, including extension of time fees, to the Deposit Account No. 01-2135 (Case No. 501.36269CC5), and please credit any excess fees to such Deposit Account.

Respectfully submitted,

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A handwritten signature in cursive script, reading "William I. Solomon", is written over a horizontal line.

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